

REMARKS

This Response is being made following a telephone interview with the Examiner, which occurred on 17 February 2006. The amendments above, and the following remarks are in accordance with the understandings regarding allowable subject matter, as detailed in said communication. Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1, 2, 4-14, 21-44 and 53-60 are in this case. Claims 8-14, 21-44 and 53-60 were withdrawn under a restriction requirement as drawn to a non-elected invention. Claims 1, 2 and 4-7 have been rejected. Claims 4, 5, 6 and 7 have now been canceled without prejudice, rendering moot the Examiner's rejection thereof. Claims 1 and 2 have now been amended.

Objections to Specification

The Examiner has objected to the inclusion of the phrase "...the contents of which are hereby incorporated by reference" appearing in the amended paragraph on page 1, line 4. An amended paragraph absent the abovementioned phrase is provided herein, thereby overcoming the Examiner's objection.

35 U.S.C. § 112, 1st Paragraph, Rejections

The Examiner has rejected claims 1, 2 and 4-7 under 35 U.S.C. § 112, first paragraph, for lack of written description. The Examiner's rejections are respectfully traversed. Claims 4, 5, 6 and 7 have now been canceled, rendering moot the Examiner's rejection thereof. Claims 1 and 2 have now been amended.

As was noted in the telephone interview, in Item 2 on page 3 of the communication of September 23, 2005, the Examiner states that the specification is considered by the Examiner enabling for preventively reducing the number of aberrant crypt foci (ACF) in a rat having colon cancer by administration of RNase B1 directly to the colon via osmotic pump, or reducing the number of colon tumors, tumor size, the number of AFCs and tumor angiogenesis in a rat having colon cancer by oral administration of RNase B1, and reducing the number and size of tumors, inhibiting growth of tumors and reducing angiogenesis of tumors in rats treated with osmotic

pumps directly delivering RNase B1 to the colon, and for treating colon cancer and melanoma tumors in a mammalian subject using RNase B1 and RNase 6PL via oral or direct infusion.

While traversing the Examiner's rejections, and in order to expedite prosecution in this case, Applicant has elected to amend claim 1 to recite:

"A method of treating a colon cancer or a melanoma in a mammalian subject, the method comprising administering to the subject via oral administration or administration by direct infusion a therapeutically effective amount of RNase B1, thereby treating said colon cancer or melanoma in the subject."

It will be noted that now amended claim 1 includes limitations in accordance with the understandings regarding allowable subject matter reached in the telephone interview. Specifically, amended claim 1 now includes the limitations of RNase B1, treating a colon cancer or a melanoma, and administration via oral administration or direct infusion. Support for such amendment is found throughout the instant specification, for example, in original claims 4 (methods of administration), 5 (colon cancer and melanoma) and 6(RNase B1).

In view of the above arguments and amendments, and the understandings reached in the telephone interview, Applicant believes to have overcome the 35 U.S.C. § 112, first paragraph, rejections.

In view of the above amendments and remarks it is respectfully submitted that claims 1 and 2 are now in condition for allowance. Prompt Notice of Allowance is respectfully and earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Martin D. Moynihan".

Martin D. Moynihan
Registration No. 40,338

Date: February 21, 2006

Enclosure:

A Petition for Extension of Time.